

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

DENNIS E. HECKER,

Debtor.

Bankruptcy Case No: 09-50779-RJK

Chapter 7

CHRYSLER FINANCIAL SERVICES
AMERICAS LLC,

Plaintiff,

Adversary Proceeding No.: 09-05019

v.

DENNIS E. HECKER,

Defendant.

**RESPONSE OF CHRYSLER FINANCIAL SERVICES AMERICAS LLC TO
DEFENDANT’S MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS**

Chrysler Financial Services Americas LLC, f/k/a Daimler Chrysler Financial Services Americas, LLC (“Chrysler Financial”), by and through its undersigned counsel, submits this response to Defendant Dennis E. Hecker’s (“Hecker”) Motion for Partial Judgment on the Pleadings herein (the “Motion”), and in support thereof respectfully states as follows:

1. The Motion seeks partial judgment on the pleadings dismissing Chrysler Financial’s claim pursuant to 11 U.S.C. § 523(a)(4) to the extent it is based on Hecker’s fraud or defalcation while acting in a fiduciary capacity. The Motion is currently set for hearing on February 24, 2010 and responses are due on or before February 19, 2010.

2. On February 17, 2010, the Court granted Chrysler Financial’s motion for sanctions in the form of a nondischargeable default judgment against Hecker for the full amount

sought in Chrysler Financial's complaint in this adversary proceeding. The Court's order for judgment has not yet been entered, but the entry of such order will plainly render the Motion moot.

3. In these circumstances, Chrysler Financial submits that a response to the Motion is not required, and it assumes that the hearing on the Motion will be stricken. However, Chrysler Financial reserves the right to respond to the Motion on the merits in the event, for any reason, such action becomes necessary.

Dated: February 19, 2010

Respectfully submitted,

GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.

By /s/ Stephen F. Grinnell
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Chrysler Financial Services Americas LLC

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In Re:) Case No. 09-50779
)
DENNIS E. HECKER,) Chapter 7
)
Debtor.) Hon. Robert J. Kressel
)
CHRYSLER FINANCIAL SERVICES) Adv. Pro. No. 09-5019
AMERICAS LLC,)
)
Plaintiff.)
v.) CERTIFICATE OF SERVICE
)
DENNIS E. HECKER,)
)
Defendant.)
)

I, Stephen F. Grinnell , hereby certify that on February 19, 2010, I caused the following:

Response of Chrysler Financial Services Americas LLC to Defendant's Motion for Partial Judgment on the Pleadings

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

William R. Skolnick	wskolnick@skolnick-shiff.com
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Dated: February 19, 2010

GRAY, PLANT, MOOTY
MOOTY & BENNETT, P.A.

/e/ Stephen F. Grinnell
Stephen F. Grinnell (#37928)